

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR MOVANT
BY: MASHA D. ROZMAN
DEPUTY ATTORNEY GENERAL
25 MARKET STREET, P.O. BOX 093
TRENTON, NEW JERSEY 08625-0093
(609) 984-7141

Honorable Garrett E. Brown, Jr., U.S.D.J.
Criminal No. 04-162 (GEB)

UNITED STATES OF AMERICA :

CRIMINAL ACTION

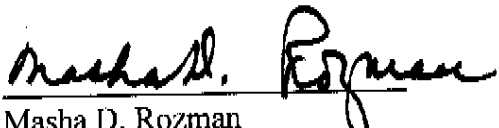
v. :

HARRY G. PARKIN :

Notice of Motion to Quash Subpoena,
pursuant to FED. R. CRIM. P. 17(c)

Please take notice that on Thursday, February 24, 2005, at 1:00 p.m., or as as soon as
counsel can be heard, Movant, State of New Jersey, on behalf of Daniel DiLella, will bring the
above motion for hearing.

By:


Masha D. Rozman
Deputy Attorney General

Dated: February 24, 2005

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR MOVANT
BY: MASHA D. ROZMAN
DEPUTY ATTORNEY GENERAL
DIVISION OF LAW
ENVIRONMENTAL SECTION
25 MARKET STREET, P.O. BOX 093
TRENTON, NEW JERSEY 08625-0093
609-984-7141

Honorable Garrett E. Brown, Jr., U.S.D.J.
Criminal No. 04-162 (GEB)

UNITED STATES OF AMERICA :

CRIMINAL ACTION

v. :

HARRY G. PARKIN :

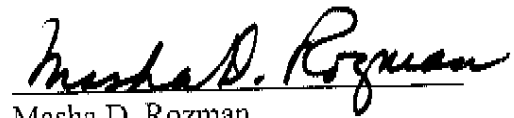
Motion to Quash Subpoena,
pursuant to FED. R. CRIM. P. 17(c)

The State of New Jersey, on behalf of Deputy Attorney General Daniel DiLella, moves pursuant to Rule 17(c), Federal Rules of Criminal Procedure, to quash the subpoena issued to him on February 18, 2005, in the above-captioned matter. This motion is based upon the grounds that: it would be unreasonable and oppressive to require the State's attorney to comply with defendant's subpoena inasmuch as it seeks the provision of information subject to the attorney/client privilege and requires a State attorney to testify as to matters that are speculative in nature, require him to divulge his personal opinions, thought processes, and legal interpretations of State statutes and regulations, in circumstances where the defendant has the ability to obtain the desired information from witnesses who, unlike Deputy Attorney General DiLella, have direct knowledge of the information sought. In addition, to the extent that the subpoena requires Deputy Attorney General to testify as to the authenticity of official records that have been compiled pursuant to the A-901 statute, the Federal

Rules of Evidence provide the mechanism whereby the documents may be certified as authentic without the necessity of live testimony.

WHEREFORE, the State of New Jersey, on behalf of Daniel DiLella, requests that the subpoena heretofore issued be quashed and the witness be relieved of testifying.

By:



Masha D. Rozman
Deputy Attorney General

Dated:

Feb. 24, 2005

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, New Jersey 08625
(609) 984-7141

By: Masha D. Rozman
Deputy Attorney General
(609) 984-7141

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF MERCER

UNITED STATES, _____ :
Plaintiff, : HONORABLE Garrett E. Brown, Jr.
v. : Criminal Case Number:
HARRY PARKIN, : 04-162 (GEB)
Defendant. : CERIFICATION OF SERVICE

Masha D. Rozman, of full age, hereby certifies as follows:

1. I am a Deputy Attorney General of the State of New Jersey assigned to the Environmental Section.
2. On February 24, 2005, I personally delivered to Harry G. Parkin, Esq. the following papers:

1. Notice of Motion to Quash Subpoena
2. Brief in Support of Motion
3. Affidavit in Support of Motion to Quash Subpoena
4. Proposed Form of Order

3. The above statements are true. I am aware that if any of my statements are wilfully false, I may be punished by law.

BY: Masha D. Rozman
Masha D. Rozman
Deputy Attorney General

Dated: Feb. 24, 2005



RICHARD J. CODEY
Acting Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 093
TRENTON, NJ 08625-0093

PETER C. HARVEY
Attorney General

February 24, 2005

James P. Murphy, Chief Deputy Clerk
United States District Court
Clarkson S. Fisher Federal Building
402 East State Street
Trenton, New Jersey 08608

Re: United States of America v. Harry G. Parkin
Criminal No. 04-162 (GEB)

Dear Mr. Murphy:

Enclosed in the above matter please find an original and two copies of the State of New Jersey's Notice of Motion, Motion, Brief, and Certification to quash a subpoena pursuant to FED. R. CRIM. P. 17(c). Two copies have been sent directly to Judge Brown. Also enclosed is an affidavit indicating service upon counsel for defendant.

Respectfully submitted,

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By: Masha D. Rozman
Masha D. Rozman
Deputy Attorney General

Encl.

c: Honorable Garrett E. Brown, Jr., U.S.D.J.
MDR/pvg

F:\ROZMAN\CoverDD.wpd

